

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

William Anthony Hummons, :
Plaintiff(s), : Case Number: 1:10cv221
vs. : Chief Judge Susan J. Dlott
Hamilton County Sheriff's Office, et. al., :
Defendant(s). :
:

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Karen L. Litkovitz filed on March 22, 2011 (Doc. 17), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired April 6, 2011, hereby ADOPTS said Report and Recommendation.

Accordingly, defendant Hochscheid's motion for summary judgment is **GRANTED** and plaintiff's complaint against both defendants Hochscheid and John Doe is **DISMISSED** with prejudice.

The Court certifies pursuant to 28 U.S.C. §1915(a) that for the foregoing reasons an appeal of this Order adopting the Report and Recommendation will not be taken in good faith, therefore, plaintiff is **DENIED** leave to appeal *in forma pauperis*. Plaintiff is free to apply to proceed *in forma pauperis* in the Court of Appeals. *See Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999), overruling in part *Floyd v. United States Postal Serv.*, 105 F.3d 274, 277 (6th Cir. 1997).

IT IS SO ORDERED.

s/Susan J. Dlott
Chief Judge Susan J. Dlott
United States District Court